1946

File No. Destruction of Records II/46
Legal Department—
B BRANCH

P 7(E)
1946

Subject:— Rules and Notifications under Destruction of Records Act, 1917

File No. Destruction of Records II/46

Gen. 194 e.

489-B

Office of the R.L.A.

A revised draft notification is sent herewith.

2. Rule 1(2) is unnecessary in view of the definition of "records" in rule 2(iii) and has been omitted from the revised draft.

3. Rule 4 has been revised by omitting sub-rule (2) of that rule in the Political and Services Department draft and is recast to secure the object envisaged in para 1 of the Commissioner's letter at page 165 ante.

4. Although the rules make all manner of provisions as to classifying the documents to be destroyed and the manner of destruction or other disposal, they do not provide for the material provision contemplated by section 3 of the Destruction of Records Act, 1917, namely, destruction of those records. New rule 5 has therefore been inserted to provide for that purpose.

5. The words "in the presence of the head of the office concerned" in the proviso to rule 5 are unnecessary and have been deleted from the revised draft. The Political and Services Department is however requested to verify if it is now necessary to retain the words "records which are likely to be of value to the enemy" in the proviso to rule 6 as the war is over.

Contd.

6. Since it is proposed to prescribe the form of register of records destroyed, it is not necessary to lay down the particulars in paras (i), (ii) and (iii) in rule 7 of the Political and Services Department draft: the paras have therefore been omitted from rule 8 in the revised draft

7. Rule 8 in Political and Services Department draft is also omitted since the remarks column in the register provides for certificate of destruction by the officer concerned.

8. Other changes have been made from the drafting point ofview only,

D. V. Vyas.

O.C.

Remembrancer of Legal Affairs.

R.LA. 16/12.

U.R. to P.& S.D. No. 9107 dated the 16th December 1946.

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13-7-

NOTIFICATION.

Political and Services Department,
Bombay Castle, December 1946.

No. 3507/34:- In exercise of the functions of the Central Government under section 3 of the Destruction of Records Act, 1917 (V of 1917), entructed to the Provincial Gogernments by the Government of India, Department of Education, Health and Lands (Education), Notification No. F.49-2/39-E, dated the 29th October 1940, the Government of Bompay isppleased to make the following rules, namely :-

Destruction of Records Act, 1917.

Short-title.

1. These rules may be called the Destruction of (Central) Records Rules, 1946.

Definitions.

2. In these rules, unlessthere is anything repugnant in the subject or centext --

(i) "enemy" means any person or State at war with His Majesty;

(ii) "office" means any office or department under the administrative control of a Secretariat department;

(iii) "records" means documents which are in the possession or custody of any offic and which do not relate the purposes of the Province of Bombay or to elections to either Chamber of the Indian Legislature and which are not partly or exclusively the property of the Crown Representative;

(iv) "Schedule" means a Schedule appended to these rules;

(v) "Secretariat department" means a department of the Secretariat of the Government of Bombay.

3. In these rules, the officers mentioned in column 1 of Schedule I shall be deemed to be heads of offices under the administrative control of the Secretariat departments respectively specified against them in column 2 thereof.

Heads of offices.

4. All records, before they are destroyed in accordance with these rules, shall be submitted to the Secretariat department concerned which shall classify them into the following categories, having regard to the period for which such records should in the opinion of such department be preserved, namely :-

Classification of records for purpose of destruction

A.- to be preserved permanently.

B.- to be preserved for a period of 30 years.

C.- to be preserved for a period of 5 years.

D.- to be preserved until their purpose is served and in any case not later than the end of the year following that in which they were filed.

Records to be destroyed.

5. All records to which these rules apply falling in categories B to D mentioned in rule 4 shall be destroyed after the expiry of the period for which they are to be preserved under the said Rule 4.

manner of destruction of records.

6. The records may be destroyed either -

(i) by tearing or

(ii) by burning

in the presence of a responsible officer :

Provided, however, that records of a secret or confidential nature or records which are likely to be of value to the enemy shall be destroyed only by burning.

Disposal after records are destroyed.

7. The records destroyed in the manner prescribed in clause (i) of rule 6 may be sold or otherwise disposed of in such manner as the head of office thinks fit.

Register of Records destroyed.

8. The head of every office shall maintain a register of the records destroyed under rule 6 in the form in Schedule II,

SCHEDULE I.
(see rule 3)

Officers. 1.	Secretariat Department. 2.
Commissioners of Divisions and Collectors.	Revenue Department.
The Inspector General of Prisons, Province, of Bombay) The District Magistrates,) The Inspector General of Police) The Deputy Inspector General of) Police, Criminal Investigation) Department,	Home Department
The Commissioner of Police, Bombay) The Chief Presidency Magistrate,) Bombay,)	
The Administrator General and Official Trustee, Bombay.) The Commissioner of Labour and Registrar of Trade Unions.)	Political and Services Deptt.
Superintending Engineers of Circles) Executive Engineers of Divisons (except the Executive Engineer Electrical Division).)	Public Works Deptt.
The Surgeon General with the Government of Bombay.) The Director of Industries, Bombay.)	General Department.

SCHEDULE II
(see rule 8).

Register of records destroyed.

Serial No.	No, and date of the documents No.date:	Particulars in brief of the document destroyed.	Date of destruction	Remarks.
1.	2.	3.	4.	5.
				I hereby certify that the document (s) shown at serial No.(s).. ..... was/were destroyed by tearing/burning in my persence and

Serial No	No. and date of the documents. No.	date.	Particulars in brief of the document destroyed.	Date of destruction.	Remarks.
1.	2.		3.	4.	5.
					and it/they was/were sold/--
				dated	Signature of the responsible officer.

-- Here specify the manner of disposal under rule 7.

By order of the Governme of Bombay,

Chief Secretary to Government.

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